

ADMINISTRATIVE - INTERNAL USE ONLY

2 May 1977

COMMENT PAGE

1. Herewith a first cut draft on the proposed new Alien Marriage regulation. The draft includes the entire regulation on marriage, but does not repeat sections where the only changes will be edits for masculine pronouns and some redundancies such as "prepare and forward". Also attached is an edited copy of the old regulation.

2. The major change from the published version is removal of the approval level to the DD/A to conform with the Office of Security regulation [REDACTED] whereby the DD/A can grant exceptions for applicants with alien spouses. A 7 August 1974 memorandum from DDM&S to DCI (and okayed by "WEC") recommended the DDM&S be "delegated the authority to approve these routine cases, where there is no substantive problem".

3. The other changes from the published version are:

- (a) Establishment of a Panel for review of the request and recommendations.
- (b) Removal of any required abilities, potential, et al, relying totally on value to the Agency.
- (c) Change of timing for original memorandum to 15 days and a rewrite to allow for the Career Service to receive the OS findings before preparing a final recommendation.

Timing: 30 days for OS (operating official time fits in here)
10 work days from Career Service Head to D/Pers
10 work days for Panel and recommendation to DD/A for approval or enroute to DCI

Works out to two months.

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4. Minor changes are attempts to get the sequence of routing and approval to fit within the Head of Career Service, Directorate of assignment, and operating official jurisdictions.



STATINTL

Atts.

N.B. The State Department has just issued a FAM Circular No. 726, dated March 31, 1977, which eliminates the citizenship of spouse requirements for appointment to the Foreign Service.

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8. MARRIAGE OF EMPLOYEES. This paragraph establishes policy and procedures with respect to the continued employment after marriage of staff personnel and of those contract personnel who have staff-like access to Agency installations or information, hereinafter referred to as employees.

a. POLICY

(1) MARRIAGE TO ALIENS

- (a) The sensitive and confidential nature of the functions of the Agency raise inherent issues of security and suitability when an employee marries an alien and can preclude continued employment. The policy of the Agency in making a determination in the individual cases is to factor the security risk by the identified value of the employee to the Agency.
- (b) When an employee plans marriage to an alien, and wishes to remain in the employ of this Agency, permission to remain must be received before marriage. Failure of an employee to comply with this requirement constitutes grounds for dismissal. Requests to remain in the employment of the Agency may be approved by the Deputy Director for Administration, but only the Director of Central Intelligence may disapprove requests to remain an employee after marriage to an alien.
- (c) If permission to remain in the employ of this Agency after marriage to an alien is denied and the employee contracts

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the marriage, the employee's resignation will be accepted to be effective not later than 45 days after the date of marriage.

- (2) MARRIAGE TO UNITED STATES CITIZENS. (No change except edit for masculine pronouns.)

b. PROCEDURES. Certain information regarding the spouse or intended spouse is required by the Agency. The procedures related to provision of this information differ, depending on whether or not the employee is under cover.

(1) EMPLOYEES UNDER COVER

(a) No change except pronoun and small edits.

(b) " " " " " " "

(2) MARRIAGE TO ALIENS

(a) No change except edit for pronouns and style.

(b) " " " " " " " " (and order of routing)

(c) The Operating Official or Head of an Independent Office, upon receipt of the request, will immediately forward a copy of all papers submitted by the employee, including the results of any field traces, to the Director of Security. The Head of the Career Service of assignment and the Head of the employee's Career Service, if different, will also be advised. Within fifteen work days of receipt of the request, the official will forward a recommendation to the Head of the Career Service of assignment. When the employee belongs to a different Career Service, the operating official memorandum will subsequently be forwarded

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- to the Head of the employee's Career Service with an endorsement from the Directorate of assignment.
(20 work days?)
- (d) Within thirty days of receipt of the request in the Office of Security, the Director of Security will forward a recommendation to the Head of the employee's Career Service. ^{with a copy to the Career Service of assignment if} The recommendation will be based on ^{different} the security records of the employee and a current investigation of the intended spouse.
- (e) Within ten workdays of receipt of the Office of Security recommendation, the Head of the responsible Career Service ^{will forward the Career Service} recommendation with the request and the recommendations of the Operating Official and the Director of Security to the Director of Personnel.
- (f) Within ten workdays of receiving the employee's request, the Director of Personnel or designee will convene a Panel consisting of the Head of the Career Services or designees and the Director of Security or designee. The Panel will be chaired by the Director of Personnel or designee and will serve as an advisory body for the Director of Personnel ~~recommendation~~. The employee's request, Career Service recommendation, Operating official recommendation and the Office of Security findings will be reviewed by the Panel members. A report will be prepared including a determination of the value of the employee to the Agency, factored by the security and suitability issues, and a recommendation for approval or disapproval of the request.

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(g) The Director of Personnel will submit a recommendation with the employee's request and other documentation to the ^{Deputy} ~~Director~~ ^{for} of Administration or the Director of Central Intelligence as appropriate to the recommendation. Should a delay occur at any point in the processing of the request that prevents it from reaching the appropriate approving authority within the maximum allowable time permitted by established deadlines, the Director of Personnel will include an explanation for the delay with the request.

(h) ~~The recommendation of the Head of the employee's Career Service will include a specific statement for or against retention of the employee after marriage to an alien. The recommendation of the Operating Official or that of the Head of the Career Service should also include, but not necessarily be limited to, information or comments on the following factors:~~

- (1) the overall value of the employee to the Agency and the identification of abilities or potential which warrant consideration for continued employment. (The recommendation should be accompanied by a current biographic profile and copies of the two most recent Fitness Reports).
- (2) the continued usefulness of the employee in the present assignment after marriage and the effect the marriage may have on future service and the career

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development of the employee. Also included will be a statement relative to any special clearances held by the employee and any requirements for continuation of the clearances for future assignments in the employee's career track.

- (3) aspects of the background of the intended spouse which may have a significant bearing on probable future assignments of the employee. Results of field traces on the intended spouse and relatives will be included as well as other pertinent information obtained by other means.
- (4) The requirement that the employee convert to contract status for a probationary period of three years when the Head of the Career Service concerned determines that more time is needed to develop additional information on the spouse and to assess the further utilization of the employee concerned.

(i) The Director of Personnel will inform the Heads of the Career Services concerned and the Director of Security of the decision reached by the ^{Deputy Director of Administration} DDA or the Director of Central Intelligence. The Operating Official or Head of Independent Office concerned will in each case be notified by the appropriate Head of Career Service.

(j) The Operating Official or Head of Independent Office will ensure that the employee is informed of the decision of the Deputy Director of Administration or the Director

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of Central Intelligence as appropriate.

(1) Same as current (i)(1)

(2) Same as current (i)(2)

- (k) An employee under cover must also provide to the cover organization such notification and documents as may be required by its policies or regulations. An employee's request for approval by the cover organization, when required, should be submitted at the same time as the request for approval is submitted to the Agency, and must not be delayed until the employee has been notified of the decision of the Agency.

(3) MARRIAGE TO UNITED STATES CITIZENS

(a) Same as current regulation

(1) Same as current regulation

(2) Same as current regulation

- (b) The Director of Security will make a security check on the spouse or intended spouse. If information which would limit the usefulness of the employee is found, the Director of Security will so advise the Operating Official or Head of Independent Office who will submit a recommendation, in accordance with subparagraphs b(2)(b) and (g) above, for either the retention or termination of the employee. The Director of Personnel will assemble and forward all recommendations to the Director of Central Intelligence and communicate the latter's decision to the Head of the

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Career Service concerned and the Director of Security.
The Operating Official or Head of Independent Office
concerned will be notified by the appropriate Head
of Career Service.

(c) No change

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HR

7. GRIEVANCE PROCEDURE

- a. **DEFINITION.** A grievance is an employee's expressed feeling (oral or written) of dissatisfaction with any aspects of his working conditions and relationships which are outside his control.
- b. **POLICY.** It is Agency policy that employees have the opportunity to present grievances for prompt and equitable consideration and disposition.
- c. **PROCEDURES**
 - (1) The immediate supervisor will attempt to bring about a satisfactory resolution of the employee's grievance. The employee may take any unresolved grievance up through the normal chain of command within his own component.
 - (2) If a satisfactory adjustment is not reached in the employee's own component, he may ask for a review of his case by the Director of Personnel.
 - (3) The employee, if still dissatisfied, may submit an appeal, through the Inspector General, to the Director of Central Intelligence whose decision is final.

8. MARRIAGE OF EMPLOYEES. This paragraph establishes policy and procedures with respect to the continued employment after marriage of staff personnel and of those contract personnel who have staff-like access to Agency installations or information, hereinafter referred to as employees.

a. POLICY**(1) MARRIAGE TO ALIENS**

- (a) Because of the sensitive and confidential nature of the work of this Agency, the marriage of an employee to an alien raises inherent issues of security and suitability which will likely preclude continued employment unless they are offset by a determination that the employee's unusual abilities and potential are of overriding value to the Agency.
- (b) When an employee contemplates marriage to an alien, and wishes thereafter to remain in the employ of this Agency, permission to remain must be received from the Director of Central Intelligence *before* the marriage. Failure of an employee to comply with this requirement constitutes grounds for dismissal.
- (c) If permission to remain in the employ of this Agency after marriage to an alien is denied and the employee continues his intention to contract the marriage, the employee's resignation will be accepted to be effective not later than 45 days after the date of marriage.

- (2) **MARRIAGE TO UNITED STATES CITIZENS.** Prior permission to remain with the Agency after marriage is not required of an employee when the marriage is to a U.S. citizen. If, however, in the opinion of the Agency, the spouse or intended spouse is found to be a security risk, or if the marriage may limit the usefulness of the employee, the marriage may be sufficient grounds for terminating the employee, or, should circumstances warrant, transferring the employee to other duties within the Agency.

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- b. **PROCEDURES.** Certain information regarding the spouse or intended spouse is required by the Agency. The procedures related to provision of this information differ, depending on whether or not the employee is under cover.

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(2) **MARRIAGE TO ALIENS**

- (a) When an employee contemplates marriage to an alien and wishes to remain in the employ of the Agency afterward, he will prepare a written request for permission to remain. He will also prepare the following as attachments:

- (1) A letter of resignation stating the employee's intention to marry an alien and his understanding that the Agency may not permit him to remain employed after such marriage and that, therefore, he is submitting his resignation to be effective not later than 45 days after the date of the marriage
- (2) A statement of the employee's understanding of the intent of the intended spouse to become a U.S. citizen
- (3) A photograph, preferably in color, which is a clear and reasonable likeness of the intended spouse
- (4) Biographic data on the intended spouse
- (a) An employee *under cover* will submit a listing of the data, following the outline given in attachment 1.
- (b) An employee not under cover will submit the data on Form 444k, copies of which are available from the Office of Personnel. The intended spouse may complete the form.

- (b) The employee will prepare the request and accompanying documents for submission to the Director of Central Intelligence at least 120 days in advance of the proposed date of marriage. If unable to meet this prescribed time limitation, the employee must include in the request an explanation of the circumstances causing the delay. The request is to be forwarded through the following officials in the order listed, each of whom will attach a recommendation for or against approval:

- (1) The appropriate Operating Official or Head of Independent Office
- (2) The Head of the employee's Career Service
- (3) The Deputy Director to whose jurisdiction the employee is assigned (if other than the Career Service Head)
- (4) The Director of Personnel

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- (c) The Operating Official or Head of Independent Office, upon receipt of the request, will immediately forward to the Director of Security a copy of all papers submitted by the employee and the results of any field traces; also, he will advise the Head of the employee's Career Service of the request. Within ten workdays of the date the request is received, the official will prepare and forward a recommendation along with the request to the Head of the employee's Career Service.
- (d) Within thirty days of the date the request is received in the Office of Security from the Operating Official or Head of Independent Office, the Director of Security will prepare and forward a recommendation to the Head of the employee's Career Service. The recommendation will be based upon the security records of the employee and a current investigation of the intended spouse.
- (e) Within ten workdays of having received the request, the Career Service Head will prepare a recommendation and will forward it with the request to the Director of Personnel. In case the employee is assigned to other than his career directorate, the request will be forwarded to the Deputy Director to whose jurisdiction the employee is assigned for a recommendation that will be forwarded within ten workdays to the Director of Personnel along with the other documentation.
- (f) Within ten workdays of the date of receiving the employee's request, the Director of Personnel will prepare a recommendation and submit it with all the other documentation to the Director of Central Intelligence. Should a delay occur at any point in the processing of the request that prevents it from reaching the Director of Central Intelligence within the maximum allowable time permitted by the established deadlines, the Director of Personnel will include with the request an explanation for the delay.
- (g) Recommendations should include, but not necessarily be limited to, information or comments on the following factors:
 - (1) The employee's service record, including the length of service and the nature of his job performance, and unusual abilities and potential that warrant consideration of his continued employment. (The Head of the employee's Career Service should ensure that a biographic profile and copies of the last two fitness reports accompany the request.)
 - (2) The continued usefulness of the employee in his present assignment following the marriage and the effect that it may have on the cover, future service, and career development of the employee.
 - (3) Aspects of the background and personality of the intended spouse that may have a significant bearing on probable future assignments of the employee, considering the circumstances the employee's family could reasonably expect to face during the course of service in the field or at headquarters. Results of field traces on the intended spouse and relatives will be included as well as other pertinent information obtained by other means.
 - (4) The requirement that the employee convert to contract status for a probationary period of three years when the Deputy Director concerned determines that more time is needed to develop additional information on the spouse and to assess the further utilization of the employee concerned.
- (h) The Director of Personnel will inform the Deputy Director(s) or Head of Independent Office concerned and the Director of Security of the

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decision reached by the Director of Central Intelligence. The Head of the employee's Career Service and the Operating Official concerned will in each case be notified by the appropriate Deputy Director.

- (1) The Operating Official or Head of Independent Office will ensure that the employee is informed of the decision of the Director of Central Intelligence.

(1) If the request is denied, the Operating Official or Head of Independent Office will also ensure that the employee is informed of the privilege of appeal for reconsideration by the Director of Central Intelligence. Any appeal must be made in writing within 15 calendar days from the date the employee is informed of the denial and must contain an explanation of why it is being made and any additional information which may not have been initially presented for consideration. It should be forwarded through the officials listed in subparagraph b(2)(b) above for their comments. The Operating Official or Head of Independent Office will advise the Director of Security and the Head of the employee's Career Service of the employee's appeal.

(2) If the request to remain employed is approved, and includes the requirement that the employee convert to contract status, it will be for a period of three years. The actual conversion to contract status will not otherwise involve any change in pay or benefits. The Office of Personnel will effect and monitor each such conversion and, prior to the expiration of the three year contract period, obtain from the Career Service Head a disposition recommendation.

- (j) An employee who is under cover must also provide to the cover organization such notification and documents as may be required by its policies or regulations. An employee's request for approval by the cover organization, when required, should be submitted at the same time as the request for the approval of the Director of Central Intelligence and not delayed until the employee has been notified of the decision of the Director of Central Intelligence.

(3) MARRIAGE TO UNITED STATES CITIZENS

- (a) The employee must submit to the Agency basic biographic information on the spouse or intended spouse who is a U.S. citizen.

(1) An employee *under cover* will submit a listing of the information, following the outline given in attachment 1.

(2) An employee not under cover will submit the information on Form 444k, copies of which are available from the Office of Personnel. The spouse or intended spouse may complete the form.

The original and one copy of the memorandum or form must be forwarded at least 90 days before the marriage or as soon as practicable to the Director of Security through the appropriate Operating Official or Head of Independent Office.

- (b) The Director of Security will make a security check on the spouse or intended spouse. If information which would limit the usefulness of the employee is found, the Director of Security will so advise the Operating Official or Head of Independent Office who will submit a recommendation, in accordance with subparagraphs b(2)(b) and (g) above, for either the retention or termination of the employee. The Director of Personnel will assemble and forward all recommendations to the Director of Central Intelligence and communicate the latter's decision to the appropriate Deputy Director or Head of Independent Office, the Head of Career Service, and the Director of Security.

Change DCI
to Agency

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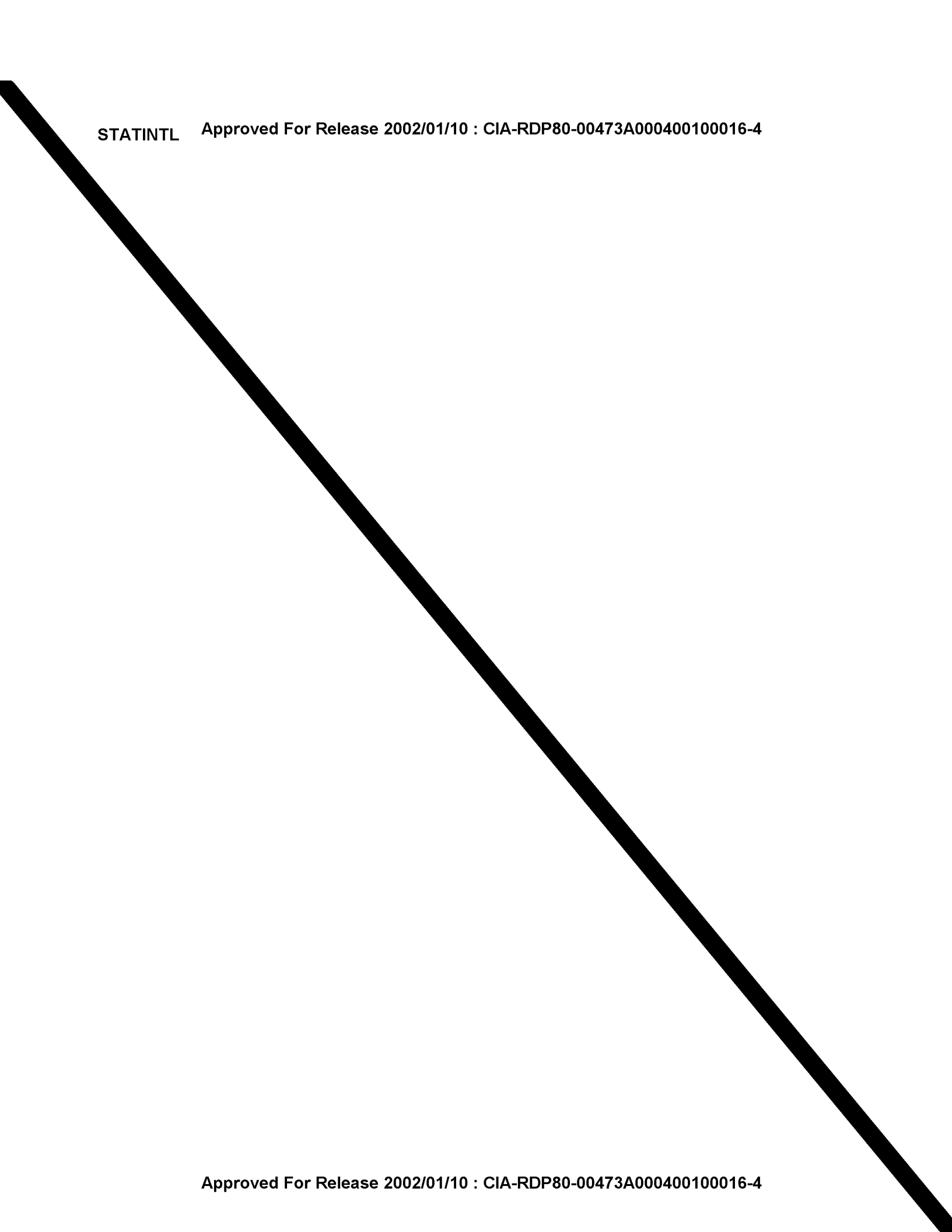
- (c) An employee who is under cover should also provide the cover organization with such notification as is required by its regulations.
- c. **DISSEMINATION.** The Director of Personnel is to ensure that all new employees entering on duty in headquarters are made aware of the provisions of this paragraph as a part of their entry-on-duty processing.

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